

## MICHIGAN VEHICLE CODE (EXCERPT)

### Act 300 of 1949

#### CHAPTER VIII

#### PENALTIES

##### **257.901 Violation as misdemeanor; penalty; civil infraction.**

Sec. 901. (1) Except as otherwise provided in subsection (3), it is a misdemeanor for a person to violate this act, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Unless another penalty is provided in this act or by the laws of this state, a person convicted of a misdemeanor for the violation of this act shall be punished by a fine of not more than \$100.00, or by imprisonment for not more than 90 days, or both.

(3) Except as otherwise provided in this act, a violation of this act by the owner of a commercial quadricycle arising out of the ownership or operation of the commercial quadricycle is a civil infraction.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 240, Eff. Mar. 20, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2015, Act 126, Imd. Eff. July 15, 2015.

##### **257.901a Violation of MCL 257.311; waiver of fine and costs; certification.**

Sec. 901a. If a person has received a citation for a violation of section 311, the court shall waive any fine and costs, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator's or chauffeur's license and that the license was valid on the date the violation of section 311 occurred.

**History:** Add. 1982, Act 433, Eff. Mar. 30, 1983.

##### **257.902 Violation of act; felony, penalty.**

Sec. 902. Any person who is convicted of a violation of any of the provisions of this act declared to constitute a felony, unless a different penalty is expressly provided herein, shall be punished by imprisonment for not less than 1 year nor more than 5 years, or by a fine of not less than \$500.00 nor more than \$5,000.00, or by both such fine and imprisonment.

**History:** 1949, Act 300, Eff. Sept. 23, 1949.

##### **257.903 False certification as felony; penalty.**

Sec. 903. (1) A person who makes a false certification to a matter or thing required by the terms of this act to be certified, including but not limited to an application for any type of driver license, dealer license, vehicle certificate of title, vehicle registration, vehicle inspection, self-insurance, personal information, or commercial driver training school, is guilty of a felony. A person who uses personal information for a purpose other than a permissible purpose identified in section 208c or 232 is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1992, Act 309, Eff. Mar. 31, 1993;—Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997.

##### **257.904 Operating vehicle if license, registration certificate, or designation suspended, revoked, or denied; penalty; extending period of suspension or revocation; informing court of record and status; applicability.**

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a

misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a.

(6) In addition to being subject to any other penalty provided for in this act, if a person is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(9) A prior conviction under this section shall be established at or before sentencing by 1 or more of the following:

- (a) A copy of a judgment of conviction.
- (b) An abstract of conviction.
- (c) A transcript of a prior trial, plea, or sentencing.
- (d) A copy of a court register of action.
- (e) A copy of the defendant's driving record.
- (f) Information contained in a presentence report.
- (g) An admission by the defendant.

(10) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(11) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial.

(12) Upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended or revoked under section 319b, or while the person is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(13) If the secretary of state receives records of more than 1 conviction or civil infraction determination resulting from the same incident, all of the convictions or civil infraction determinations shall be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12).

(14) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(15) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than \$100.00, or both.

(17) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 904d.

(18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to a person who has only 1 currently effective suspension or denial on his or her Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the person's lifetime.

(19) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 61, Eff. Nov. 2, 1967;—Am. 1978, Act 380, Imd. Eff. July 27, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 341, Eff. Oct. 1, 1999;—1998, Act 342, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 461, Eff. Oct. 31, 2010;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

## **257.904a Operation of motor vehicle by unlicensed person as misdemeanor; penalty; second offense.**

Sec. 904a. Any person, not exempt from license under this act, who shall operate a motor vehicle upon the highways of this state and who is unable to show that he or she has been issued a license to operate a motor vehicle by any state or foreign country valid within the 3 years preceding is guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than 90 days, or by a fine of not less than \$50.00 nor more than \$100.00, or both. Any person convicted of a second offense under this section shall be punished by imprisonment for not less than 2 nor more than 90 days, or by a fine of \$100.00, or both.

**History:** Add. 1965, Act 264, Eff. Mar. 31, 1966;—Am. 1985, Act 53, Imd. Eff. June 14, 1985.

#### **257.904b Order of impoundment.**

Sec. 904b. (1) When a person is convicted of an offense punishable under section 904(1)(b) or (c) or a local ordinance substantially corresponding to section 904(1)(b) or (c) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court shall order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not less than a period the court orders but not more than 120 days from the date of judgment.

(2) When a person is convicted of an offense punishable under section 904(1)(a) or a local ordinance substantially corresponding to section 904(1)(a) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court may order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not more than 120 days from the date of judgment.

(3) An order for the impounding of a motor vehicle issued pursuant to this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(4) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 252a.

(5) This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act.

**History:** Add. 1968, Act 197, Eff. Nov. 15, 1968;—Am. 1969, Act 83, Eff. Mar. 20, 1970;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 319, Eff. Apr. 1, 1994.

#### **257.904c Vehicle immobilization required; duties of peace officer; validity of temporary vehicle registration; duration.**

Sec. 904c. (1) When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(a) Immediately confiscate the vehicle's registration plate and destroy it.

(b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b.

(c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued.

(2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

**History:** Add. 1998, Act 359, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

#### **257.904d Vehicle immobilization; order; "vehicle immobilization" and "prior conviction" defined.**

Sec. 904d. (1) Vehicle immobilization applies as follows:

(a) For a conviction under section 625(1), (3), (7), or (8) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, or, beginning October 31, 2010, for a conviction under section 626(3) or (4), the court may order vehicle immobilization for not more than 180 days.

(b) For a conviction under section 625(4) or (5) with no prior convictions, the court shall order vehicle immobilization for not more than 180 days.

(c) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 7 years after a prior conviction, or, beginning October 31, 2010, for a conviction under section 625(2), the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) Before October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions within 10 years, or, beginning October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions, the court shall order vehicle immobilization for not less

than 1 year or more than 3 years.

(2) For a conviction or civil infraction determination resulting from a violation that occurred during a period of suspension, revocation, or denial, the following apply:

(a) Except as provided in subdivision (b), for 1 prior suspension, revocation, or denial under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court may order vehicle immobilization for not more than 180 days.

(b) Except as provided in subdivisions (c) and (d), if the person is convicted under section 904(4) or (5), the court shall order vehicle immobilization for not more than 180 days.

(c) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) For any combination of 4 or more prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

(4) The court may order vehicle immobilization under this section under either of the following circumstances:

(a) The defendant is the owner, co-owner, lessee, or co-lessee of the vehicle operated during the violation.

(b) The owner, co-owner, lessee, or co-lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(2) regardless of whether a conviction resulted.

(5) Except as otherwise provided in subsections (11) and (13), an order required to be issued under this section shall not be suspended.

(6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.

(7) This section does not apply to any of the following:

(a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(b) A vehicle that is registered in another state or that is a rental vehicle.

(c) A vehicle owned by the federal government, this state, or a local unit of government of this state.

(d) A vehicle not subject to registration under section 216.

(e) Any of the following:

(i) A violation of chapter II.

(ii) A violation of chapter V.

(iii) A violation for failure to change address.

(iv) A parking violation.

(v) A bad check violation.

(vi) An equipment violation.

(vii) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vii).

(8) As used in this section:

(a) Subject to subsections (9) and (10), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) Except as otherwise provided in subsection (10), a violation or attempted violation of any of the following:

(A) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.



(iii) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4).

(b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.

(9) If 2 or more convictions described in subsection (8)(a) are convictions for violations arising out of the same incident, only 1 conviction shall be used to determine whether the person has a prior conviction.

(10) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(11) Beginning October 31, 2010, if the person obtains a restricted operator's or chauffeur's license from the secretary of state and an ignition interlock device is properly installed in the vehicle, the court shall suspend the immobilization order issued under subsection (1)(c) for a conviction under section 625(2).

(12) Beginning October 31, 2010, the court may reinstate vehicle immobilization issued under subsection (1)(c) for a conviction under section 625(2) if an ignition interlock device is tampered with, circumvented, or disabled, or if the person's restricted operator's or chauffeur's license is suspended or revoked.

(13) Vehicle immobilization under this section is subject to section 304 if the defendant obtains a restricted license under section 304.

**History:** Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 51, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011.

### **257.904e Vehicle immobilization; manner; storage; removal; impoundment.**

Sec. 904e. (1) A court shall order a vehicle immobilized under section 904d by the use of any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section 625 or a suspension, revocation, or denial under section 904 to pay the cost of immobilizing and storing the vehicle.

(2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93, without a court order.

(3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during the immobilization period.

(4) A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order for vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

(7) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.

(8) The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

**History:** Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

### **257.904f Vehicle registration records; disclosure.**

Sec. 904f. The vehicle registration records of the secretary of state shall disclose which vehicles are assigned a temporary registration plate under section 904c or are immobilized under this act.

**History:** Add. 1998, Act 358, Eff. Oct. 1, 1999.

### **257.905 Violation of financial responsibility chapter; penalty.**

Sec. 905. Any person who shall forge, or without authority, sign any evidence of ability to respond in damages as required by the secretary of state in the administration of chapter 5 and any person who shall violate any provisions of chapter 5 for which no penalty is otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$1,000.00, or imprisoned not more than 90 days or both. Any person whose operator's or chauffeur's license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or

issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility and who during such suspension or revocation or in the absence of full authorization from the secretary of state drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another person upon any highway except as permitted hereunder shall be punished by a fine of not more than \$500.00 and by imprisonment for a period of not less than 2 days nor more than 1 year or by both such fine and imprisonment.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

**Compiler's note:** Sections 2 and 4 of Act 510 of 1978 provide as follows:

"Section 2. Sections 727a and 905 of Act No. 300 of the Public Acts of 1949, being sections 257.727a and 257.905 of the Compiled Laws of 1970, are repealed."

"Section 4. This amendatory act shall not take effect until August 1, 1979."

Sections 2 and 4 of Act 66 of 1979 provide as follows:

"Section 2. Section 2 of Act No. 510 of the Public Acts of 1978 is repealed."

"Section 4. Except for section 2 of this act, this act shall take effect August 1, 1979."

Act 66 of 1979 was ordered to take immediate effect on July 25, 1979.

### **257.905[1] Prohibited acts; penalty.**

Sec. 905. A person who forges, or without authority signs, any evidence of ability to respond in damages as required by the secretary of state in the administration of chapter V, and any person who violates any provision of chapter V for which no penalty is otherwise provided, is guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00, or imprisonment for not more than 90 days, or both. A person whose operator's or chauffeur's license, registration, or other privilege to operate a motor vehicle has been suspended or revoked, if restoration of the privilege or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility, and who during the suspension or revocation or in the absence of full authorization from the secretary of state, drives any motor vehicle upon any highway or street or knowingly permits any motor vehicle owned by the person to be operated by another person upon any highway or street except as permitted in this act, is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for a period of not less than 2 days nor more than 1 year, or both.

**History:** Add. 1980, Act 518, Eff. Mar. 31, 1981.

**Compiler's note:** Section 905, as added by Act 518 of 1980, was compiled as MCL 257.905[1] to distinguish it from another section 905, deriving from Act 300 of 1949 and pertaining to motor vehicle financial responsibility.

### **257.906 Right of police officer to enter upon private road.**

Sec. 906. Notwithstanding any other provision of law, a police officer may enter upon such a private road to enforce violations of this act.

**History:** Add. 1974, Act 138, Imd. Eff. June 5, 1974.

### **257.907 Civil infraction; payment of civil fine and costs; limitation; program of treatment, education, or rehabilitation; sanctions; schedule of civil fines, costs, and assessments; recommended range of civil fines and costs; certification of repair of defective equipment; collection of civil fines or costs; noncompliance with order or judgment; waiver of fine, cost, and assessment; civil infraction arising out of ownership or operation of commercial quadricycle; "moving violation" defined.**

Sec. 907. (1) A violation of this act, or a local ordinance substantially corresponding to a provision of this act, that is designated a civil infraction shall not be considered a lesser included offense of a criminal offense.

(2) If a person is determined under sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge or district court magistrate may order the person to pay a civil fine of not more than \$100.00 and costs as provided in subsection (4). However, if the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, a person, or any other object, the civil fine ordered under this section shall be increased by \$25.00 but the total civil fine shall not exceed \$100.00. However, for a violation of section 602b, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of \$100.00 for a first offense and \$200.00 for a second or subsequent offense. For a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100.00 or more than \$250.00. For a violation of section 676c, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of \$1,000.00. For a violation of section 328, the civil fine ordered under this subsection shall be not more than \$50.00. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed \$10.00,

subject to subsection (12). For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be \$25.00. For a violation of section 682 or a local ordinance substantially corresponding to section 682, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100.00 or more than \$500.00. For a violation of section 240, the civil fine ordered under this subsection shall be \$15.00. For a violation of section 252a(1), the civil fine ordered under this subsection shall be \$50.00. For a violation of section 676a(3), the civil fine ordered under this section shall be not more than \$10.00. For a first violation of section 319f(1), the civil fine ordered under this section shall be not less than \$2,500.00 or more than \$2,750.00; for a second or subsequent violation, the civil fine shall be not less than \$5,000.00 or more than \$5,500.00. For a violation of section 319g(1)(a), the civil fine ordered under this section shall be not more than \$10,000.00. For a violation of section 319g(1)(g), the civil fine ordered under this section shall be not less than \$2,750.00 or more than \$25,000.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) Except as provided in this subsection, if a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$250.00.

(4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs shall not be ordered in excess of \$100.00. A civil fine ordered under subsection (2) or (3) shall not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff.

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (13), the judge or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

(6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions that occur within the respective district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses.

(8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.

(9) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine, costs, and assessments upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.

(10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (13), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(11) If a person fails to comply with an order or judgment issued under this section within the time prescribed by the court, the driver's license of that person shall be suspended under section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

(12) The court may waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of section 710d if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d.

(13) In addition to any civil fines or costs ordered to be paid under this section, the judge or district court



magistrate shall order the defendant to pay a justice system assessment of \$40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(14) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred.

(15) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance under section 328(2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation of section 328(1) occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.

(16) If a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act and the civil infraction arises out of the ownership or operation of a commercial quadricycle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$500.00.

(17) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle and for which a fine may be assessed.

**History:** Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1982, Act 51, Eff. Mar. 30, 1983;—Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982;—Am. 1984, Act 30, Eff. Apr. 28, 1984;—Am. 1984, Act 364, Eff. Mar. 29, 1985;—Am. 1985, Act 1, Eff. July 1, 1985;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 1998, Act 103, Eff. Aug. 15, 1998;—Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 34, Eff. Oct. 1, 2003;—Am. 2003, Act 73, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 59, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2013, Act 35, Eff. Aug. 20, 2013;—Am. 2014, Act 303, Eff. Jan. 7, 2015;—Am. 2015, Act 126, Imd. Eff. July 15, 2015.

## **257.908 Default as civil contempt; penalty.**

Sec. 908. (1) If a defendant defaults in the payment of a civil fine, costs, or both, or of any installment, as ordered pursuant to section 907(2), the court, upon the motion of the plaintiff or upon its own motion, may require the defendant to show cause why the default should not be treated as in civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the defendant's appearance.

(2) When a corporation or an association is ordered to pay a civil fine or costs, the persons authorized to make disbursement shall pay the fine or costs, and their failure to do so shall be civil contempt unless they make the showing required in this section.

(3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until the civil fine, costs, or both, or a specified part thereof, is paid.

(4) If it appears that the default in the payment of a civil fine or costs does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment, or revoking the fine or costs or the unpaid portion thereof in whole or in part.

(5) The term of imprisonment on civil contempt for nonpayment of a civil fine or costs shall be specified in the order of commitment, and shall not exceed 1 day for each \$10.00 of the fine and costs. A person committed for nonpayment of a civil fine or costs shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of \$10.00 per day.

(6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine or costs shall not be discharged from custody until 1 of the following occurs:

- (a) The defendant has been credited with the amount due pursuant to subsection (5).
- (b) The amount due has actually been collected through execution of process or otherwise.
- (c) The amount due has been satisfied pursuant to a combination of subdivisions (a) and (b).

(7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6).

**History:** Add. 1978, Act 510, Eff. Aug. 1, 1979.

**257.909 Application and allocation of civil fines to public and county law libraries.**

Sec. 909. (1) Except as provided in subsection (2), a civil fine which is ordered under section 907 for a violation of this act or other state statute shall be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state. A civil fine ordered for a violation of a code or ordinance of a local authority regulating the operation of commercial motor vehicles and substantially corresponding to a provision of this act shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the local authority in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(2) Subsection (1) is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of this act which are now civil infractions.

**History:** Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2000, Act 94, Imd. Eff. May 15, 2000.

**257.910 Conviction based on plea of nolo contendere; treatment.**

Sec. 910. A conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty.

**History:** Add. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1994, Act 450, Eff. May 1, 1995.